

City Council Introduction: **Monday**, August 1, 2005
Public Hearing: **Monday**, August 8, 2005, at **4:30 p.m.**

Bill No. 05-115

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 05011**, from R-3 Residential District to B-2 Planned Neighborhood Business District, requested by The Schemmer Associates on behalf of Pine Lake Development, on property generally located at South 84th Street and Old Cheney Road.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUEST: Use Permit No. 05003 (05R-185)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/16/'05
Administrative Action: 03/16/05

RECOMMENDATION: Approval (9-0: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand voting 'yes').

FINDINGS OF FACT:

1. This change of zone and the associated Use Permit No. 05003 were heard at the same time before the Planning Commission.
2. The purpose of this change of zone request is to allow the development of 220,000 sq. ft. of commercial floor space.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.5, concluding that the request is in conformance with the Comprehensive Plan in that the land use plan designates this area as commercial.
4. The applicant's testimony is found on p.7.
5. There was no testimony in opposition.
6. On March 16, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.
7. On March 16, 2005, the Planning Commission also recommended conditional approval of the associated Use Permit No. 05003.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 25, 2005

REVIEWED BY: _____

DATE: July 25, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.05011

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 16, 2005 PLANNING COMMISSION MEETING

****As Revised and Recommended for Condition Approval
by Planning Commission: March 16, 2005****

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: **Change of Zone 05011**

Use Permit 05003, Vintage Heights Retail Center

PROPOSAL: From R-3, Residential to B-2, Planned Neighborhood Business
To develop 220,000 square feet of commercial floor area.

LOCATION: S. 84th St. and Old Cheney Rd.

LAND AREA: 35.17 acres, more or less

CONCLUSION: With conditions the request is in conformance with the Comprehensive Plan,
Zoning and Subdivision Ordinances and Design Standards.

RECOMMENDATION:

Change of Zone

Use Permit

Approval
Conditional Approval

Waivers

To the preliminary plat process

Approval

Reduce the front yard setback from 50' to 25' along S. 84th St.
and Old Cheney Rd. for parking and driving aisles only.

Approval

Of a required front yard on each street side of a double frontage lot

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Block 4 and Outlot "A", Vintage Heights Addition, located in the
North ½ of Section 14, Township 9 North, Range 6 East, Lancaster
County, Nebraska

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	AG, Agriculture R-3, Residential	Alltel Communications Building Residential and golf course
South:	AGR, Agricultural Residential	Church
East:	R-3, Residential	Single family residential
West:	R-3, Residential	Lincoln Christian School

HISTORY:

October 25, 2004	Annexation #04004, Change of Zone #04021 and Special permit #1762B, Vintage Heights 4 th Addition were approved by City Council.
February 24, 2003	Preliminary Plat #02017, Vintage Heights 3 rd Addition; Special permit #1762A, Annexation #02009; and Change of Zone #3374 were approved by City Council.
September 27, 1999	Preliminary Plat #99002, Vintage Heights 2 nd Addition; Special Permit #1762, Annexation #99005; and Change of Zone #3168 were approved by City Council.
August 3, 1998	Preliminary Plat #98003, Vintage Heights 1 st Addition; Special Permit #1716 and Change of Zone #3109 were approved by City Council.
July 14, 1997	Preliminary Plat #97002, Vintage Heights and Change of Zone #3045 were approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods. (F-15)

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (F-17)

The Lincoln/Lancaster County Land Use plan designates this area as commercial. (F-23)

Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas compatible with existing or planned residential uses
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors

- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan. (F-38)

The 2025 Comprehensive Plan describes this area as a Commerce Center. (F-41)

“Commerce centers” are defined as areas containing a mix of retail, office, services and residential uses, with some light manufacturing and warehousing in selected circumstances. (F-40)

For the purpose of the Comprehensive Plan, Commerce Centers have been divided into three separate size categories. The size differences reflect the differing impacts that the centers have on adjacent land uses and the public infrastructure. The three categories of Commerce Centers are:

1. Regional Centers
2. Community Centers
3. Neighborhood Centers. (F-40)

N EIGHBORHOOD CENTERS (N)

CENTER SIZE

Neighborhood Centers typically range in size from 150,000 to 250,000 square feet of commercial space. Existing centers may vary in size from 50,000 to 300,000 square feet. (F-46)

DESCRIPTION

Neighborhood centers provide services and retail goods oriented to the neighborhood level, such as Lenox Village at S. 70th and Pioneers Boulevard, and Coddington Park Center at West A and Coddington. These smaller centers will not include manufacturing uses. (F-46)

MARKET AREA

These centers typically serve the neighborhood level. It is anticipated that there will be one neighborhood center per one square mile of urban use. For areas of less than one square mile, the maximum size of the center will be reduced proportionally. (F-47)

CENTER SPACING

Neighborhood Centers should be located approximately 3/4 to one mile apart, depending upon their size, scale, function and the population of the surrounding area. (F-47)

CRITERIA

Neighborhood Centers are not sited in advance on the land use plan. However, in neighborhoods oriented to greater pedestrian activity and residential density, two neighborhood centers may be located within a square mile of urban residential use. Neighborhood Centers should generally not develop at corners of intersections of two arterial streets due to limited pedestrian accessibility and impact on the intersection – locations 1/4 to 1/2 mile from major intersections are encouraged, particularly if there is to be more than one commercial center within a square mile of urban residential use. There may be circumstances due to topography or other factors where centers at the intersection may be the only alternative. When a square mile of urban use contains a Community or Regional Center, and that center includes many of the uses found in a neighborhood center, then a neighborhood center would not be approved within that square mile. This provision would not apply if the incentives listed below, including greater residential population, have been met. (F-47)

PROPOSED LOCATIONS

During the planning period many additional neighborhood centers will be needed. These centers are not identified on the land use plan and will instead be located as part of plans for future neighborhoods based on the commercial guidelines. (F-47)

SITING PROCESS

As part of development proposals that include a proposed Neighborhood Center, the exact location and land use composition of the Center should be determined. If the neighborhood center is in conformance with the Comprehensive Plan and is approved, the Planning Director may administratively update the Comprehensive Plan to reflect the specific location. (F-47)

FLOOR AREA INCENTIVE

New Neighborhood Centers will typically range from 50,000 to 250,000 square feet of floor area per square mile of urban use. However, when neighborhood centers follow most, if not all, of the criteria listed below it would be appropriate to develop **two neighborhood centers** within a square mile of urban use, each center having a floor area up to approximately 200,000 square feet. (F-47)

Right-of-Way Considerations

Projects occurring at the intersection of two arterial streets will warrant the further dedication of public right-of-way up to 130 ft. in width for the "2+1 at 120 ft. of ROW" and "4+1 at 120 ft. of ROW projects, for a distance extending two blocks from the centerline (approximately 700 feet) of the intersection. (F-112)

UTILITIES:

All utilities are available to serve this area.

TOPOGRAPHY

The site slopes to the east.

TRAFFIC ANALYSIS:

S. 84th St. is classified as a principal arterial.

Old Cheney Rd. is classified as a minor arterial.

PUBLIC SERVICE:

The nearest fire station is located on S. 84th St. between "A" St. & Van Dorn St.

ENVIRONMENTAL CONCERNS

Antelope Creek is on the eastern edge of this development. Preservation of the open area adjacent Antelope Creek.

ANALYSIS:

1. This is a request for a change of zone from R-3 to B-2 and a use permit for 220,000 square feet of commercial floor space.
2. The land use plan designates this area as commercial.
3. The applicant is requesting a waiver to a front yard setback on all street sides of a double frontage lot. This waiver is acceptable. The site plan shows that the building envelope setback from the curb vary from 16' to 28'. This provides adequate space between the sidewalk and building.
4. The applicant has requested a reduction in the front yard setback along S. 84th St. and Old Cheney Rd. from 50' to 25' for parking and driving aisles. This is acceptable provided additional landscape screening is provided. The landscape screen shall be 90% from 2'-4' height along the parking area.
5. Antelope Creek is located on the eastern part of this development. The site plan identifies the area around Antelope Creek as an outlot for open space. This area should always remain as open space and care should be taken to protect the vegetation in the area.

6. New Commercial Centers should be pedestrian friendly by providing safe walking areas from the surrounding sidewalk system to the front door of every business in the center.

Prepared by:

Tom Cajka
Planner

DATE: March 2, 2005

APPLICANT: The Schemmer Associates
1919 S. 40th St.
Lincoln, NE 68506
(402) 488-2500

OWNER: Pine Lake Development
3801 Union Hill Dr. Suite 102
Lincoln, NE 68516
(402) 434-5650

CONTACT: Jennifer Thompson
The Schemmer Associates
1919 S. 40th St.
Lincoln, NE 68506
(402) 488-2500

**CHANGE OF ZONE NO. 05011
and
USE PERMIT NO. 05003**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 16, 2005

Members present: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand.

Staff recommendation: Approval of the change of zone and conditional approval of the use permit.

Ex Parte Communications: None.

Proponents

1. Bob Lewis of Pine Lake Development, LLC, testified as the applicant for this proposal. This property is located at the southeast corner of 84th and Old Cheney Road. It was shown as part of the Vintage Heights original preliminary plat to be a neighborhood center in 1997. Eight years later, the developer is now in the process of bringing an application to develop this into a neighborhood center. 84th and Old Cheney Road construction may be completed in the next year and will allow the developer to start this project.

This proposal shows six lots in B-2 zoning with a 250,000 sq. ft. neighborhood center. Lewis requested that Condition #1.1.9 be deleted, which requires that no lot shall have less than 5,000 sq. ft. of floor area.

The developer has met with the neighborhood association at their monthly meetings three or four times to discuss this development.

The outlot will be deeded to the homeowners association in the future so that they have control of the existing trees that will be maintained and the outlot.

Marvin asked about the residences that back up to Outlot A. Lewis stated that he has not met personally with every one of them, but the developer has been on the homeowners association agenda a number of times. Lewis reiterated that this property was approved as a neighborhood center in the Comprehensive Plan back in 1997, so those residential property owners were aware of the use.

There was no testimony in opposition.

Tom Cajka of Planning staff agreed with the deletion of Condition #1.1.9, as requested by the applicant.

CHANGE OF ZONE NO. 05011

ACTION BY PLANNING COMMISSION:

March 16, 2005

Marvin moved approval, seconded by Carlson and carried 9-0: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

USE PERMIT NO. 05003

ACTION BY PLANNING COMMISSION:

March 16, 2005

Marvin moved to approve the staff recommendation of conditional approval, with amendment deleting Condition #1.1.9, seconded by Pearson and carried 9-0: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.



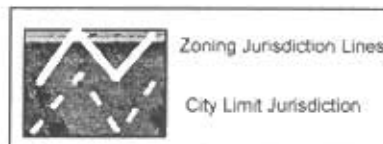
Change of Zone #05011
Use Permit #05003
S. 84th & Old Cheney Rd.

2002 aerial

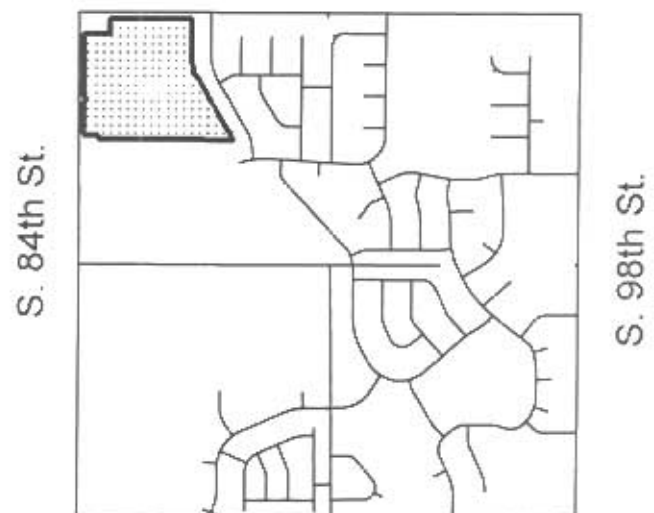
Zoning:

- | | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

One Square Mile
 Sec. 14 T9N R7E

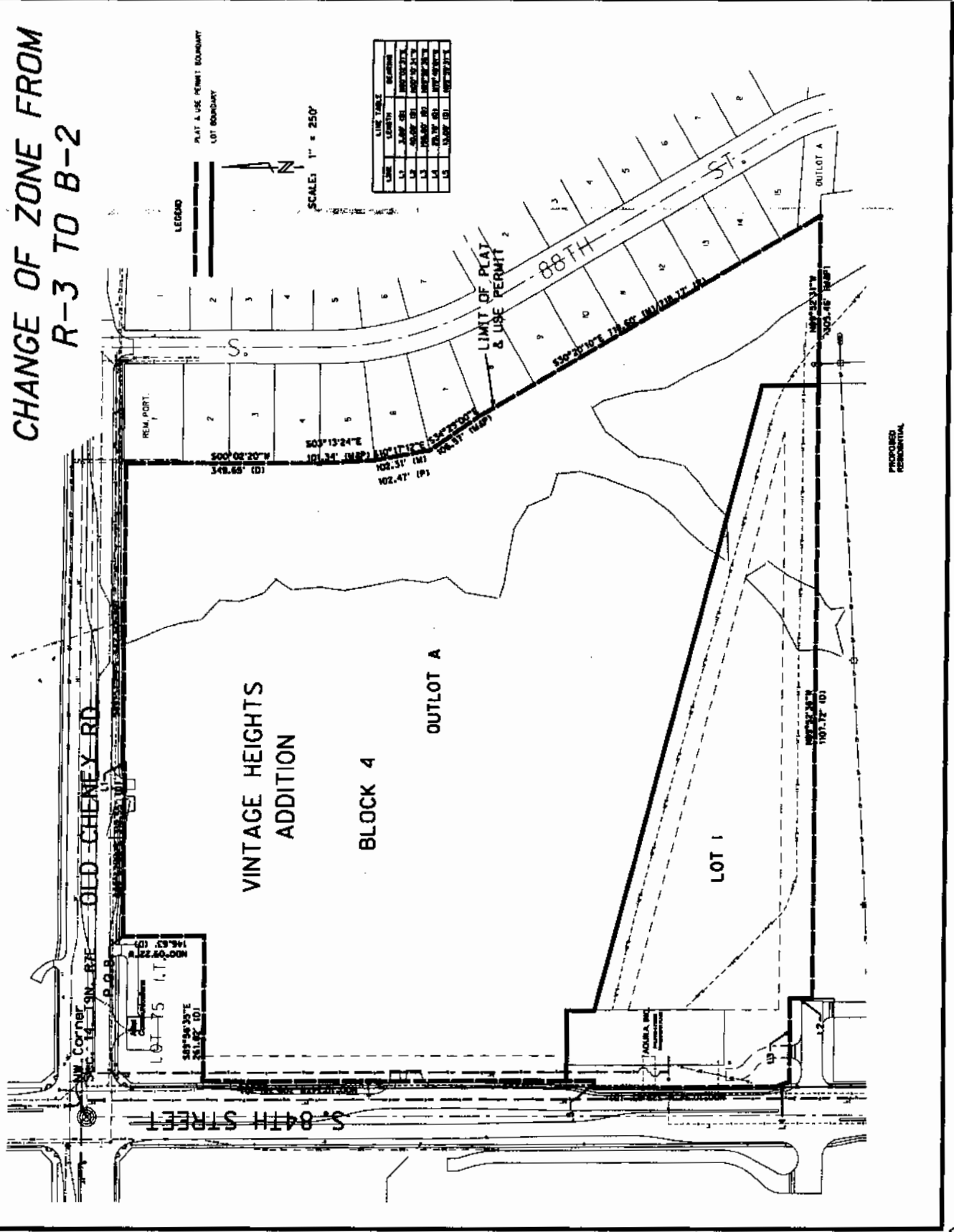


Old Cheney Rd.



Pine Lake Rd.

009



VINTAGE HEIGHTS RETAIL CENTER

LOTS 1 THRU 6 INCLUSIVE, OUTLOT A AND OUTLOT B

BEING A REPLAT OF LOT 1, BLOCK 4 AND OUTLOT A, VINTAGE HEIGHTS ADDITION AND ADDITIONAL STREET RIGHT-OF-WAY OF SOUTH 84TH STREET AND OLD CHENEY ROAD PER CITY OF LINCOLN PROJECT #117-C-B, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED THE BOUNDARY OF THE SUBDIVISION SHOWN HEREON TO BE KNOWN AS VINTAGE HEIGHTS RETAIL CENTER, LOTS 1 THRU 6 INCLUSIVE, OUTLOT A AND OUTLOT B, BEING A REPLAT OF LOT 1, BLOCK 4 AND OUTLOT A, VINTAGE HEIGHTS ADDITION AND ADDITIONAL STREET RIGHT-OF-WAY OF SOUTH 84TH STREET AND OLD CHENEY ROAD PER CITY OF LINCOLN PROJECT #117-C-B, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14; THENCE SOUTH 89°57'29" EAST AN ASSUMED BEARING ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 325.11 FEET; THENCE SOUTH 00°02'31" WEST A DISTANCE OF 63.00 FEET TO THE SOUTH LINE OF OLD CHENEY ROAD RIGHT-OF-WAY AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF OLD CHENEY ROAD RIGHT-OF-WAY FOR THE FOLLOWING THREE (3) COURSES: (1) SOUTH 89°57'29" EAST A DISTANCE OF 312.55 FEET, (2) NORTH 00°02'31" EAST A DISTANCE OF 3.00 FEET, (3) SOUTH 89°57'29" EAST A DISTANCE OF 542.60 FEET TO THE EAST LINE OF SAID OUTLOT A; THENCE ALONG THE EAST LINE OF SAID OUTLOT A FOR THE FOLLOWING FIVE (5) COURSES: (1) SOUTH 00°02'20" WEST A DISTANCE OF 349.65 FEET, (2) SOUTH 03°13'24" EAST A DISTANCE OF 101.34 FEET, (3) SOUTH 10°17'12" EAST A DISTANCE OF 102.31 FEET, (4) SOUTH 34°29'00" EAST A DISTANCE OF 106.57 FEET, (5) SOUTH 30°20'10" EAST A DISTANCE OF 718.60 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT A; THENCE NORTH 89°52'31" WEST ALONG THE SOUTH LINE OF SAID OUTLOT A, A DISTANCE OF 305.46 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°52'36" WEST ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 1107.72 FEET; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET FOR THE FOLLOWING SIX (6) COURSES: (1) NORTH 00°10'34" WEST A DISTANCE OF 40.00 FEET, (2) NORTH 89°52'36" WEST A DISTANCE OF 150.00 FEET, (3) NORTH 19°48'01" WEST A DISTANCE OF 29.78 FEET, (4) NORTH 00°10'34" WEST A DISTANCE OF 329.63 FEET, (5) NORTH 89°59'31" EAST A DISTANCE OF 13.00 FEET, (6) NORTH 00°10'34" WEST A DISTANCE OF 709.78 FEET TO THE NORTH LINE OF SAID OUTLOT A; THENCE ALONG THE NORTH LINE OF SAID OUTLOT A FOR THE FOLLOWING TWO (2) COURSES: (1) SOUTH 89°56'35" EAST A DISTANCE OF 261.82 FEET, (2) NORTH 00°09'22" WEST A DISTANCE OF 146.63 FEET TO THE POINT OF BEGINNING. ABOVE DESCRIBED TRACT CONTAINS 35.17 ACRES, MORE OR LESS.

PERMANENT MONUMENTS HAVE BEEN FOUND OR SET AT ALL BOUNDARY CORNERS, STREET INTERSECTIONS, BLOCK CORNERS, POINTS OF TANGENCY AND CURVATURE AS SHOWN ON THE PLAT IN ACCORDANCE WITH TITLE 26 OF THE LINCOLN MUNICIPAL CODE. TEMPORARY MARKER HAVE BEEN PLACED AT ALL LOT CORNERS AND THE OWNER WILL FURNISH TO THE CITY OF LINCOLN A STAKING BOND TO INSURE THE PLACING OF PERMANENT MONUMENTS AT ALL LOT CORNERS PRIOR TO CONSTRUCTION OR CONVEYANCE OF ANY LOT SHOWN ON THIS FINAL PLAT. ALL DIMENSIONS ARE CHORD MEASUREMENTS UNLESS OTHERWISE SHOWN, AND ARE IN FEET AND DECIMALS OF A FOOT.

DATE

MARK W. FREDRICKSON L.S. NO. 592
THE SCHEMMER ASSOCIATES INC.
1919 SOUTH 40TH STREET, SUITE 302
LINCOLN, NE 68508



CITY OF LINCOLN
USE PERMIT
VINTAGE HEIGHTS RETAIL CENTER
SITE PLAN

1000 1000
1000 1000

M e m o r a n d u m

To: Tom Cajka, Planning Department

From: Chad Blahak, Public Works and Utilities
Dennis Bartels Public Works and Utilities

Subject: Vintage Heights Retail Center UP #05003 and CZ #05011

Date: 3/02/05

cc:

Engineering Services has reviewed the submitted plans for the Vintage Heights Retail Center Use Permit, located on the southeast corner of 84th Street and Old Cheney Road, and has the following comments:

Sanitary Sewer - The sanitary system is satisfactory.

Water Main - The following comments need to be addressed.

(2.1) It does not appear that adequate fire protection is provided for Lot 4. A private water line for fire protection may be necessary.

Grading/Drainage - The following comments need to be addressed.

(3.1) The 100yr water elevation at the Old Cheney crossing for Antelope Creek does not appear accurate. As shown the water elevation does not reach the top of the box culvert, showing no headwater at the culvert. Supporting calculations need to be provided showing how the 100yr elevation was determined for Antelope Creek. Also, the 100yr flood limits need to be shown and clearly labeled on the plans and supporting calculations need to be provided.

(3.2) The entire flood corridor easement along with the supporting calculations need to be shown for Antelope Creek within this project. The portion of the easement in Outlot A is not shown. Also, more detailed grades with cross sections need to be shown for Antelope Creek to match the easement calculations.

(3.3) There appears to be discrepancies in the grading plan near the Antelope Creek crossing at Old Cheney. The plans for the Old Cheney box culvert show the upstream flowline to be about 1310 while the grading contours near the box culvert are shown at a 1316 elevation. Revisions need to be made accordingly.

(3.4) The grading for Lot 3 shows it 2-4 feet lower than the adjacent private streets and Old Cheney. The minimum opening elevation is also lower than the low point in Old Cheney. Although there are no standards that require the lots be graded higher than 1' above the 100yr elevation, since it is a minor change in the grading plan, Public Works recommends that Lot 3 be graded above the low point in Old Cheney and the minimum opening elevation be revised accordingly.

(3.5) The grading and drainage plan references the original Vintage Heights drainage study in addressing detention for this plat. However, it does not appear that the study addressed flows at Old Cheney Road. Also, the previously mentioned study was for Vintage Heights 1st, 2nd, and 3rd Additions. The area of this plat was platted as Outlot A of Vintage Heights Original Addition prior to the requirement to provide detention. However, detention is required for the proposed use permit. The applicant needs to show that the existing detention in various locations is sufficient to account for this use permit.

(3.6) Public and private storm facilities need to be clearly labeled on the plans.

Streets/Paving - The following comments need to be addressed.

(4.1) Although there are no design standards currently requiring that private streets be placed in outlots, Public Works recommends that the private streets be placed in outlots. This better facilitates a maintenance agreement and provides access to utilities without technically crossing private property.

(4.2) A waiver of design standards for permanent turnaround geometry at the east end of Cuthills Drive and the north end of South 85th Street needs to be requested and justified or revisions need to be made to eliminate the need for the waivers.

(4.3) The site plan needs to be revised to show 70' of ROW along 84th for 700' south of Old Cheney Road and adjacent to the right turn lane for Cuthills Drive in 84th Street and the right turn lane for 86th Street in Old Cheney Road. There needs to be 60' of ROW shown along 84th Street and Old Cheney for all other areas.

(4.4) The traffic study indicates that there be a spacing of 350' from curb to curb between 84th and 85th Street on Foxtail Drive. It does not appear that this spacing is attained. Revisions need to be made accordingly.

(4.5) It is not clear in the traffic study if Outlot B was included as developed uses. Outlot B needs to be included in the study with commercial uses. Also, the Aquila Lot 6 should be included in the study as commercial use as it may be redeveloped in the future as part of this commercial center.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Tom Cajka	DATE: February 28, 2005
DEPARTMENT: Planning	FROM: Chris Schroeder
ATTENTION:	DEPARTMENT: Health
CARBONS TO: EH File	SUBJECT: Vintage Heights Retail
EH Administration	Center CZ #05011 UP #05003

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

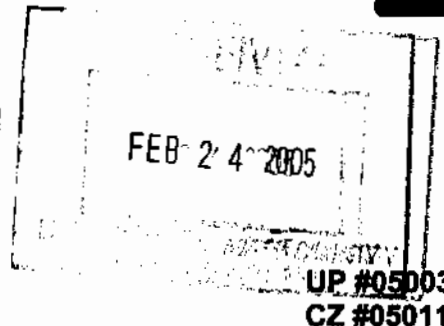
- According to the LLCHD's Geographic Information System (GIS) records, a fourteen inch high pressure underground natural gas pipeline traverses the southern portion of this proposed development. In addition, eighteen inch and a twenty-four inch underground natural gas pipelines are located on the western portion of this proposed development. See the attached GIS map for the location of these underground pipelines. The LLCHD calculated a hazard area of approximately 277 feet on each side for the pipeline traversing the southern portion of this proposed development and 174 and 141 feet on each side for the pipelines on the western portion of this proposed development using the hazard area equation from the report entitled, "A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines" prepared by Mark J. Stephens from C-FER Technologies. A hazard area or high consequence area is defined as the area within which the extent of property damage and the chance of serious or fatal injury would be expected to be significant in the event of a worst case scenario rupture failure.
- While there are no current regulations that prohibit the location of occupied structures within hazard zones, the LLCHD recommends that occupied structures not be located within hazard areas. At the very least, prospective buyers of these lots or lessees of buildings should be informed regarding the presence of the underground natural gas pipeline and the pipeline's hazard area.

- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

INTER-DEPARTMENT COMMUNICATION

-LES

DATE: February 23, 2005
TO: Tom Cajka, City Planning
FROM: Sharon Theobald (Ext. 7640)
SUBJECT: DEDICATED EASEMENTS
DN #57S-84E



Attached is the Use Permit for Vintage Heights Retail Center

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with a blanket utility easement over Outlot "A". Also, please include in the notations, the existing down guy electrical line easement.

Sharon Theobald

ST/nh
Attachment
c: Terry Wiebke
Easement File